Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Malone, approximately 1,150 feet east of the intersection of Farm-to-Market Road 308 and State Highway ("SH") 171, on the south side of SH 171, Hill County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 27, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,144

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$23,144

Total Paid to General Revenue: \$0 **Total Due to General Revenue:** \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: April 26, 2011 and June 23, 2011

Date(s) of NOE(s): June 27, 2011 and June 29, 2011

Violation Information

- 1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, sludge was documented in the receiving stream. Samples collected at the mixing point of the effluent and the receiving stream and approximately 200 yards downstream indicated elevated levels of pollutants (including total suspended solids, volitile suspended solids, ammonia nitrogen, total phosphorus, and total kjeldahl nitrogen), as well as decreased levels of dissolved oxygen [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010514001, Permit Conditions No. 2.d].
- 2. Failed to comply with permitted effluent limitations for dissolved oxygen, chlorine, 5-day biochemical oxygen demand, and total suspended solids [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010514001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].
- 3. Failed to comply with permitted effluent limitations. Specifically, a chlorine grab sample taken by the investigator was not within the permitted range [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010514001, Effluent Limitations and Monitoring Requirements No. 2].
- 4. Failed to maintain complete records of monitoring activities. Specifically, measurement times were not recorded on the operator logs [30 Tex. ADMIN. CODE §§ 305.125(1) and (11)(C)(i) and 319.7(a) and TPDES Permit No. WQ0010514001, Monitoring and Reporting Requirements No. 3.c].
- 5. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, there were floating solids and settled sludge located in the chlorine contact chamber [30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010514001, Operational Requirements No. 1].
- 6. Failed to provide a backflow prevention device at the Facility. Specifically, atmospheric vacuum breakers were not installed on the potable water faucets [30 Tex. ADMIN. CODE § 317.7(i)].
- 7. Failed to accurately measure the flow as prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C. or methods that are equivalent as approved by the Executive Director. Specifically,

the effluent intermittently backs up causing inaccurate flow measurements [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0010514001, Monitoring and Reporting Requirements No. 2.a].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By May 13, 2011, Respondent has implemented the following corrective measures at the Facility:

- a. Corrected and updated the operator logs to notate the measurement times;
- b. Removed, cleaned, and disposed of the sludge and solids in the chlorine contact chamber;
- c. Installed atmospheric vacuum breakers on potable water connections; and
- d. Adjusted the electrodes on the inline pump to control flow measurements.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, remove and properly dispose of the sludge in the receiving stream;
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.; and
- c. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010514001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: JR Cao, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2543; Debra Barber, Enforcement Division, MC 219,

(512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable David R. Bow, Mayor, City of Malone, P.O. Box 6,

Malone, Texas 76660

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 27-Jun-2011 Screening 11-Jul-2011 PCW 12-Jul-2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Malone Reg. Ent. Ref. No. RN102075660 Major/Minor Source Minor Facility/Site Region 9-Waco **CASE INFORMATION** Enf./Case ID No. 42068 No. of Violations 6 Docket No. 2011-1189-MWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit Yes Multi-Media Enf. Coordinator JR Cao EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$16,100 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Subtotals 2, 3, & 7 **Compliance History** 54.0% Enhancement \$8,694 Enhancement for two NOVs with dissimilar violations and ten months of Notes self-reported effluent violations. 0.0% Enhancement Subtotal 4 **Culpability** No \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,650 0.0% Enhancement* Subtotal 6 **Economic Benefit** \$0 Capped at the Total EB \$ Amount Total EB Amounts Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$23,144 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$23,144 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$23,144 -\$4,628 20.0% Reduction Adjustment Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$18,516

PAYABLE PENALTY

Notes

Docket No. 2011-1189-MWD-E

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent City of Malone Case ID No. 42068

Reg. Ent. Reference No. RN102075660 Media [Statute] Water Quality Enf. Coordinator JR Cao

Compliance History Worksheet

Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	10	50%
	Other written NOVs	2	4%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ease Enter Yes or No	1
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
peat Violator (Adjustment Per	centage (Sub	total 2)
No	Adjustment Per	centage (Sub	total 3)
mpliance Histo	ry Person Classification (Subtotal 7)		7-
Average Pe	rformer Adjustment Per	centage (Sub	total 7)
mpliance Histo	ry Summary		1
Compliance History Notes	Enhancement for two NOVs with dissimilar violations and ten months of self-repositions.	ported effluent	

	g Date 11-Jul-2011	Docket No. 2011-1189-MWD-E	PCW
	indent City of Malone		Policy Revision 2 (September 2002)
Section 1988 And 1	ID No. 42068		PCW Revision October 30, 2008
•	ce No. RN102075660		and the second s
	atute] Water Quality inator JR Cao		
Violation I	CANADA CARARRA		220
	Toy Water Co	de § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) ar	d (4) and
Ruie		ollutant Discharge Elimination System ("TPDES") Permit	
The state of the s		WQ0010514001, Permit Conditions No. 2.d	
		ent the unauthorized discharge of wastewater into or adj	· · · · · · · · · · · · · · · · · · ·
		ate. Specifically, sludge was documented in the receiving of at the mixing point of the effluent and the receiving s	
Violation Des	H	ly 200 yards downstream indicated elevated levels of pol	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	, , –	al suspended solids, volatile suspended solids, ammonia r	- 1
	total phosph	orus, and total kjeldahl nitrogen), as well as decreased le	evels of
www.		dissolved oxygen.	<u> </u>
as wassers or		Bas	e Penalty \$10,000
		and the second of the second o	
>> Environmental,	Property and Huma	in nearm matrix Harm	
i i i	Release Major	Moderate Minor	
OR:	Actual	х 💮	
	Potential	Percent 25%	
>>Programmatic M	atriv	v. 86 - 3 - 4	TO CONTRACT
	fication Major	Moderate Minor	
		Percent 0%	
Matrix Hu	man health or the enviro	ment has been exposed to significant amounts of polluta	nts as a
Notes		result of this violation.	Secretary Common
<u> 80</u>			
		Adjustment	\$7,500
			43.500
			\$2,500
Violation Events			
Nur	mber of Violation Events	3 Number of violation	days
	dally		volume of the state of the stat
	weekly		Annual Park
	monthly	x	***************************************
	only one quarterly	Violation Bas	e Penalty \$7,500
	semiannual		void a season
	annual single event	· · · · · · · · · · · · · · · · · · ·	Addition

Three	monthly events are reco	mmended from the date of the investigation (April 26, 20	11) to the
	. Monday events of a rose	screening date (July 11, 2011).	
<u>L.,</u>			
Good Faith Efforts to	o Comply	0.0% Reduction	\$0
***	Extraordinary [Before NOV NOV to EDPRP/Settlement Offer	
**************************************	· B		Management of the Control of the Con
s. s	Ordinary N/A	X (mark with x)	
- CONTRACTOR - CON	14/7	The Respondent does not meet the good faith criteria for	
*Activities	Notes	this violation.	***************************************
	E		
***************************************		Violation	Subtotal \$7,500
Economic Benefit (E	B) for this violatio	Statutory Limit	Test ***
Name of the second	Estimated EB Amount	\$1,101 Violation Final Pen	
· construction of	Latiniated ED Amount		
		This violation Final Assessed Penalty (adjusted f	or limits) \$11,550

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.	42068		8000° (33 - C300000007, C-10000°	387.28837.44.4	· (2011 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	4-24 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	
teg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
Violation No.						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	E E E				Fee 2	
Delayed Costs							
Equipment		Cristania.		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		: 27		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	9/3	\$0
Remediation/Disposal		X		0.00	\$0	n/a	\$0
Remediation, Disposa.		#I		<u> 0.00</u>			- 70
Permit Costs				0.00	\$0 \$0	n/a	\$ 0
	\$28,000	26-Apr-2011	7-Feb-2012	0.00 0.79	\$0 \$1.101	Na di Na dia	\$0 \$1.101
Permit Costs	Estimated c Date	ost to prevent, re- required is the in	move, and disp vestigation dat	0.00 0.79 ose of the Final	\$0 \$1.101 the sludge from th I date is the antici	n/a	\$1,101 respectively.
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated c Date	ost to prevent, re- required is the in	move, and disp vestigation dat	0.00 0.79 ose of the Final	\$0 \$1.101 the sludge from the date is the anticing item (except:	e receiving stream, pated date of compli	\$0 \$1.101 respectively. ance. ed costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated c Date	ost to prevent, re required is the in	move, and disp vestigation dat	0.00 0.79 ose of the Final entering 0.00 0.00	\$0 \$1.101 the sludge from the date is the anticing item (except \$0 \$0	e receiving stream, pated date of compli	\$0 \$1.101 respectively. ance. ed costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated c Date	ost to prevent, re required is the in	move, and disp vestigation dat	0.00 0.79 ose of the Final entering 0.00 0.00 0.00	\$0 \$1.101 the sludge from that date is the anticing item (except: \$0 \$0 \$0	e receiving stream, pated date of compli	\$0 \$1.101 respectively. ance. ed costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated c Date	ost to prevent, re required is the in	move, and disp vestigation dat	0.00 0.79 ose of the Final entering 0.00 0.00 0.00 0.00	\$0 \$1.101 the sludge from the date is the anticity of the sludge from the date is the anticity of the sludge from the sludge f	e receiving stream, pated date of compliants of the stream	\$0 \$1.101 respectively. ance. ed costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated c Date	ost to prevent, re required is the in	move, and disp vestigation dat	0.00 0.79 ose of file. Fina enteria 0.00 0.00 0.00 0.00	\$0 \$1.101 the sludge from the ladate is the anticity of the land of the ladate is the anticity of the ladate is th	e receiving stream, pated date of compliants of the stream	\$0 \$1.101 respectively. ance. ed costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel rspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated c Date	ost to prevent, re required is the in	move, and disp vestigation dat	0.00 0.79 ose of the Final enterial 0.00 0.00 0.00 0.00 0.00	\$0 \$1.101 the sludge from the	e receiving stream, pated date of complifor one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1.101 respectively. ance. ed costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated c Date	ost to prevent, re required is the in	move, and disp vestigation dat	0.00 0.79 ose of file. Fina enteria 0.00 0.00 0.00 0.00	\$0 \$1.101 the sludge from the ladate is the anticity of the land of the ladate is the anticity of the ladate is th	e receiving stream, pated date of compliants of the stream	\$0 \$1.101 respectively. ance. ed costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated c Date	ost to prevent, re required is the in	move, and disp vestigation dat	0.00 0.79 ose of the Final enterial 0.00 0.00 0.00 0.00 0.00	\$0 \$1.101 the sludge from the	e receiving stream, pated date of complifor one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1.101 respectively. ance. ed costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated c Date	ost to prevent, re required is the in	move, and disp vestigation dat	0.00 0.79 ose of the Final enterial 0.00 0.00 0.00 0.00 0.00	\$0 \$1.101 the sludge from the	e receiving stream, pated date of complifor one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$1.101 respectively. ance. ed costs) \$0 \$0 \$0 \$0 \$0

	11-Jul-2011 Docket No. 2011-1189-MWD-E	,,
		on 2 (September 2002)
Case ID No.		ision October 30, 2008
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator		
Violation Number	2	
Rule Cite(s)		
	Permit No. WQ0010514001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6	***
Violation Description	Failed to comply with permitted effluent limitations, as documented in a record	
	review on June 23, 2011, and as shown in the attached violation table.	***************************************
	Base Penalty [\$10,000
>> Environmental Proper	ty and Human Health Matrix	· ·
>> Circulomijentar, r roper	Harm	and the same of th
Release	Major Moderate Minor	
OR Actual	<u> </u>	
Potential	Percent 10%	

>>Programmatic Matrix	Major Moderate Miner	***************************************
Falsification	Major Moderate Minor	
	Percent 0%	
A simplified	model was used to evaluate biochemical oxygen demand to determine whether the	
	nounts of pollutants exceeded levels protective of human health or the environment.	
	ied solids, dissolved oxygen, and chlorine were also considered. As a result of these	
	, human health or the environment has been exposed to insignificant amounts of	
pollutants	which do not exceed levels that are protective of human health or environmental	
	receptors.	
	to 000	
	Adjustment \$9,000	
		\$1,000
Violation Events		
Number of 1	/iolation Events 2 121 Number of violation days	
Mulliber of	Totation Events 2 121 Number of Violation days	
	daily	
	weekly	
	monthly	
mark only one with an x	quarterly X Violation Base Penalty	\$2,000
Will all X	semiannual	
	annual	
· ·	single event	***

	Two quarterly events are recommended.	
	Two quarterly events are recommended.	
		· were well
Good Faith Efforts to Com	0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	
***************************************	Extraordinary	***
· · · · · · · · · · · · · · · · · · ·	Ordinary	***************************************
QUALIFORM AND	N/A x (mark with x)	Assert
Park Constitution of the C	The Respondent does not meet the good faith criteria for	Constitution of the Consti
	this violation.	and the state of t
	and the second s	1
	Violation Subtotal	\$2,000
Footomic Ponofit (ED) for		\$2,000
Economic Benefit (EB) for		\$2,000
		\$2,000 \$3,080
	this violation	

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Malone	****					
Case ID No.	42068						
Rea. Ent. Reference No.	RN102075660						
Media	Water Quality					Percent Interest	Years of
Violation No.						Percent Interest	Depreciation
Violation No.	_	8.7				5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				E Para Ar		
Delayed Costs						27	
Equipment	- 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	9, 24		0.00	\$ 0	\$0	\$0
Buildings	12.5			0.00	\$0	\$0	\$0
Other (as needed)	State 1			0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land			<u> </u>	0.00	\$0	n/a	\$0
Record Keeping System	1, 1412 H.			0.00	\$0	RANK N/B	\$0
Training/Sampling				0.00	\$0	17.3	\$0 \$0
Remediation/Disposal	481,912			0.00	\$0 \$0	Maria Na	\$0 \$0
Permit Costs Other (as needed)	\$5.000	31-Dec-2010	7 Apr 2012	1.27	\$317		\$317
Notes for DELAYED costs	t	ne first date of nor	n-compliance.	Final da	ate is the anticipat	fluent violations. Date of complian	ce.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	\$0 \$0	\$0 \$0
Personnel				0.00	\$0 \$0	\$0	\$0 \$0
nspection/Reporting/Sampling		 		0.00	\$0 \$0	\$0	\$0 \$0
Supplies/equipment		<u> </u>		0.00	\$0	\$0	\$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3] Other (as needed)		52.5		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							:
	I						
	<u> </u>					***	A .

Screening Date	11-Jul-2011 Docket No. 2011-1189-MWD-E	PCW
Respondent		Policy Revision 2 (September 2002)
Case ID No.		PCW Revision October 30, 2008
Reg. Ent. Reference No.		**************************************
Media [Statute]		varvan
Enf. Coordinator Violation Number		ACADONISM AND
	3 3 30 Tex. Admin. Code §§ 305.125(1) and (11)(C)(i) and 319.7(a) and TPDI	ES Permit
Raic Cite(3)	No. WQ0010514001, Monitoring and Reporting Requirements No. 3	J.C
The second secon		
on constant		
Violation Description	Failed to maintain complete records of monitoring activities. Specification	ally,
	measurement times were not recorded on the operator logs.	***************************************
·		***
Address of the state of the sta		
	Base	Penalty \$10,000
	N. D.	
>> Environmental, Proper	ty and Human Health Matrix Harm	and the second s
Release		**************************************
OR Actual		***************************************
Potential	Percent 0%	avernous

>>Programmatic Matrix	Market Madesate Miles	verene
Falsification	Major Moderate Minor x Percent 1%	· · · · · · · · · · · · · · · · · · ·
ľ. A. př	X Percent 1%	annum market
Matrix	At least 70% of the rule requirment was met.	
Notes		view en
Maria L		
	Adjustment	\$9,900
· · · · · · · · · · · · · · · · · · ·		\$100
		7100
Violation Events	3	
Number of	Violation Events 1 1 Number of violation of	tays
	daily	
	weekly monthly	
mark only one	quarterly Violation Base	Penalty \$100
with an x	semiannual	-
	annual	
	single event X	**************************************
	One single event is recommended	Windows Control of the Control of th
	One single event is recommended.	111111111111111111111111111111111111111
Good Faith Efforts to Com	ply 25.0% Reduction	\$25
	Before NOV NOV to EDPRP/Settlement Offer	
war and the second	Extraordinary	v.
	Ordinary x	***************************************
	N/A (mark with x)	V)
		and de la constant de
	Notes The Respondent came into compliance on May 13, 2011.	OR VINCE
		e consequent
Account	Violation	Subtotal \$75
Economic Benefit (EB) for	this violation Statutory Limit	Test
	ed ED Amount	alty Total \$129
Estimat	ed EB Amount \$0 Violation Final Pena	nty i Utai 3129
	This violation Final Assessed Penalty (adjusted for	or limits) \$129

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.							
leg. Ent. Reference No.		1				Percent Interest	Years of
Violation No.						Percent Interest	Depreciation
	1.2					5.0	15
	Trem Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment	***			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	i i v			0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	N/a	\$0
Record Keeping System	\$25	26-Apr-2011	13-May-2011	0.05	\$0	e 1. Namen	\$0
Training/Sampling				0.00	\$0	n/a	\$0 \$0
Remediation/Disposal				0.00	\$0	rva .	\$0 \$0
Permit Costs Other (as needed)	Av.		1.07	0.00	\$0 \$0	1/2 T	\$0 \$0
Notes for DELAYED costs			Final date is	the da	ate of compliance.	I is the date of the i	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0 \$0	\$0 \$0
spection/Reporting/Sampling	31	<u> </u>		0.00	\$0 #0	\$0 \$0	\$0 \$0
Supplies/equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.00	\$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]		 		0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		·		, 			**
Approx. Cost of Compliance		\$25			TOTAL		\$0

₹PCW		Docket No. 2011-1189-N			ening Date	
ion 2 (September 2002)					Respondent	
vision October 30, 2008					Case ID No.	ACCUSED DESCRIPTION OF STREET,
					ference No.	
					a [Statute]	
***************************************	Cao		•		Coordinator	. 4400 - 700 <u>155555555</u>
	4				ation Number	Viol
	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010514001,			30 Tex. Ad	Rule Cite(s)	
	Operational Requirements No. 1	Operational Requirements No. 1	Oper			
	illed to ensure that all systems of collection, treatment, and disposal are properly erated and maintained. Specifically, there were floating solids and settled sludge located in the chlorine contact chamber.	Specifically, there were floating solids a	naintained. Spe		n Description	Violatio
\$10,000	Base Penalty	h Matrix 🦠 🎉 🔅 🔅 🔅	an Health M	ty and Hum	ntal, Proper	Environme
· ·	Harm				-	
	Major Moderate Minor	Minor	Moderate	Major	Release	
		_			Actual	R
	X Percent 10%	Percent	X		Potential	
	A Company of the Comp	Mark Control	Madalaha			Prográmma
***************************************	Major Moderate Minor		Moderate	Major	Falsification	
ar, saran	Percent 0%	Percent	L	<u> </u>		
1					(
1	or the environment will or could be exposed to significant amounts of pollutants	• • •			11	Matrix
	exceed levels that are protective of human health or the environment as a result		•	not exceed leve	which would	Notes
	of the violation.	of the violation.	of th		1,50 30	Notes
	Adjustment \$9,000	Adjustment				24.5
	_					
\$1,000	<u>L_</u>					
					•	
					CS :	ation Even
See a se	ation Events 1 17 Number of violation days	17 Number of vi	1	liolation Events	Number of V	
	ribility Events 1 17 Inditibel of violation days		<u> </u>	/iolation Events	Number of	
\$1,000	emlannuaf annual	Violatio	x	weekty monthly quarterly semiannual	mark only one with an x	
one or year	vent is recommended from the investigation date (April 26, 2011) to the date of compliance (May 13, 2011).			ly event is recor	One quarter	
	compliance (May 15, 2011).	idite (Fidy 15, 2011).	compliance			
\$250				ply	orts to Com	d Faith Effe
	Before NOV NOV to EDPRP/Settlement Offer	NOV to EDPRP/Settlement Offer	Before NOV NO			
e-constant	raordinary	<u> </u>		Extraordinary		
and the second s						
	Ordinary x		х	Ordinary		
	Ordinary x N/A (mark with x)	(mark with x)		•		
occurrence and the second seco			(m	N/A		
\$750	N/A (mark with x)	ndent came into compliance on May 13, 2	(m	N/A		
\$750	N/A (mark with x) Notes The Respondent came into compliance on May 13, 2011. Violation Subtotal	ndent came into compliance on May 13, 2	The Responden	N/A Notes	ifit (EB) for	nomic Bene
\$750 \$ \$1,290	N/A (mark with x) Notes The Respondent came into compliance on May 13, 2011. Violation Subtotal s violation Statutory Limit Test	vio	The Responden	N/A Notes		nomic Bene
\$1,290	N/A (mark with x) Notes The Respondent came into compliance on May 13, 2011. Violation Subtotal S violation Statutory Limit Test B Amount \$15 Violation Final Penalty Total	violation Fina	The Responden	N/A Notes this violatio		nomic Bene
	N/A (mark with x) Notes The Respondent came into compliance on May 13, 2011. Violation Subtotal s violation Statutory Limit Test	violation Fina	The Responden	N/A Notes this violatio	Estimate	nomic Bene

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. eg. Ent. Reference No. Media Violation No.	42068 RN102075660 Water Quality		ere ere e se e ere e e e e e e e e e e e e e e e e e e e		and the second of the second o	Percent Interest	Years of Depreciation
			E Garage			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				F. 1	SANGE SEE SEE	
Delayed Costs				3			
Equipment	,			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0		\$0
Record Keeping System				0.00	\$0	and second	\$0
Training/Sampling				0.00	\$0	n/a see	\$0
Remediation/Disposal				0.00	\$0	9/3	\$0
Permit Costs	\$6,500	26-Apr-2011	<u> </u>	0.00	\$0 \$15	inte 11	<u>\$0</u> \$15
	Ectimated co	st to close and di	coose of the sk	idaa in	the chlorine conta	ct chamber. Date r	aguired is the
Notes for DELAYED costs		date of th	e investigation	. Final	date is the date of	compliance.	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			or one-time avoid	
Disposal		1975/2014		0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$ 0	\$0
ONE-TIME avoided costs [3]	. :			0.00	\$0	\$0	\$0
Other (as needed)		<u> </u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$6,500			TOTAL		\$15

2.000,000,000,000,000,000,000,000,000,00	ening Date		Docket No. 2011-1189-MWD-E	***************************************
	tespondent			Policy Revision 2 (September 2002)
Reg. Ent. Rel	Case ID No.			PCW Revision October 30, 2008
	a [Statute] Coordinator			***************************************
POST CONTRACTOR OF CONTRACTOR	ation Number			***************************************
•	Rule Cite(s)		20.7	
			30 Tex. Admin. Code § 317.7(i)	
Violatio	n Description		e a backflow prevention device at the Facility. Speci um breakers were not installed on the potable water	
			Ва	se Penalty \$10,000
>> Environme	ntal, Proper	ty and Human I	lealth Matrix	
			arm	
or	Release Actual		derate Minor	
	Potential		Percent 25%	.i
	, 0.0			2
>>Programma	tic Matrix	4.4	(1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	***************************************
	Falsification	Major Mo	derate Minor	
		<u> </u>	Percent 0%	
44				
Matrix	Failure to in	stall atmospheric vac	uum breakers on potable water connections could res	sult in the
Notes	release of sig		ollutants to the potable water system which would ex se of human health as a result of the violation.	ceed levels
		that are protective	e of statistat fredien as a result of the violation.	
			Adjustment	\$7,500
				\$2,500
Violation Even	_	-	Satis	
Aloistion East	LS .			
	Number of '	Violation Events	2 17 Number of violation	n days
	mark only one with an x	dally weekly monthly quarterly semiannual annual single event	X Violation Ba	se Penalty \$5,000
***************************************	Two months	ovente (one of coch	aucet) are recommended from the investigation date	(April 26
***	I WO MONUNIY	•	he date of compliance (May 13, 2011).	(April 20)
•	L.			
Good Faith Effe	orts to Form	nlv	25.0% Reduction	\$1,250
GOOG FAILINEIN	JI CS LO COIII		ore NOV NOV to EDPRP/Settlement Offer	7.7
		Extraordinary		
		Ordinary	x	Water
		N/A	(mark with x)	
		Notes The	Respondent came into compliance on May 13, 2011.	
				1
•			Violatio	n Subtotal \$3,750
				45,7.50
Economic Bene	fit (EB) for	this violation	Statutory Lim	
	Estimat	ed EB Amount	\$0 Violation Final Per	nalty Total \$6,450
			This violation Final Assessed Penalty (adjusted	for limits) \$6,450

	, I ⋤	conomic	Revetit	MO	rksneet		
Respondent Case ID No.	42068				or cook		23340
Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
***************************************						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment	\$10	26-Apr-2011	13-May-2011	0.05	\$0	\$0	\$0
Buildings	3 3 3 3	100		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		ļ		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a was	\$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal		3		0.00	i Su	n/a	
	5.75 July 1.75 July 1.75						
Permit Costs Other (as needed)	Actual cost	(#E	Vinetall atmospi	0.00	\$0 \$0	Aller ()/accounted	\$0 \$0
				0.00 0.00 neric va	\$0 \$0 acuum breakers oi		\$0 \$0 connections.
Other (as needed) Notes for DELAYED costs	Da	ate required is the	date of the inv	0.00 0.00 neric va estigat	\$0 \$0 acuum breakers oi ion. Final date is t	n/a n/a n the potable water	\$0 \$0 connections.
Other (as needed)	Da	ate required is the	date of the inv	0.00 0.00 neric va estigat	\$0 \$0 acuum breakers oi ion. Final date is t	n/a n/a n the potable water the date of complian	\$0 \$0 connections.
Other (as needed) Notes for DELAYED costs Avoided Costs	Da	ate required is the	date of the inv	0.00 0.00 neric va estigat	\$0 \$0 acuum breakers oi ion. Final date is t ng item (except	n the potable water the date of complian	\$0 \$0 connections. ice.
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Da	ate required is the	date of the inv	estigat 0.00 0.00 neric va estigat 0.00 0.00 0.00	\$0 \$0 acuum breakers or ion. Final date is t ng item (except \$0 \$0 \$0	n the potable water the date of complian for one-time avoid \$0 \$0 \$0	\$0 \$0 connections. ice. led costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Da	ate required is the	date of the inv	0.00 0.00 neric va estigat 0.00 0.00 0.00	\$0 \$0 acuum breakers or ion. Final date is t ng item (except \$0 \$0 \$0	n the potable water the date of compliant for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 connections. ice. iled costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Da	ate required is the	date of the inv	estigat 0.00 0.00 neric va estigat 0.00 0.00 0.00	\$0 \$0 acuum breakers or ion. Final date is to mg item (except \$0 \$0 \$0 \$0 \$0	n the potable water the date of compliant for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 connections. ice. iled costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Da	ate required is the	date of the inv	0.00 0.00 neric viestigat enterir 0.00 0.00 0.00 0.00	\$0 \$0 acuum breakers or ion. Final date is to mg item (except \$0 \$0 \$0 \$0 \$0	n the potable water the date of complian for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 connections. ice. ied costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Da	ate required is the	date of the inv	0.00 0.00 neric viestigat enterir 0.00 0.00 0.00 0.00	\$0 \$0 acuum breakers or ion. Final date is to mg item (except \$0 \$0 \$0 \$0 \$0	n the potable water the date of compliant for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 connections. ice. ied costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Da	ate required is the	date of the inv	0.00 0.00 neric viestigat enterir 0.00 0.00 0.00 0.00	\$0 \$0 acuum breakers or ion. Final date is to mg item (except \$0 \$0 \$0 \$0 \$0	n the potable water the date of complian for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 connections. ice. ied costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Da	ate required is the	date of the inv	0.00 0.00 neric viestigat enterir 0.00 0.00 0.00 0.00	\$0 \$0 acuum breakers or ion. Final date is to mg item (except \$0 \$0 \$0 \$0 \$0	n the potable water the date of complian for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 connections. ice. ied costs) \$0 \$0 \$0 \$0

Malone Policy Revision 2 (September		eening Date 1	
	•	Respondent of	
PCW Revision October 30		Case ID No. 4	
		eference No. R lia [Statute] v	
		Coordinator J	
	6	lation Number	
Tex. Admin. Code §§ 305.125(1) and 319.11(d), and TPDES Permit No.		Rule Cite(s)	
WQ0010514001, Monitoring and Reporting Requirements No. 2.a	WQ001051400	L	
ed to accurately measure the flow as prescribed in the Water Measurement lanual, United States Department of the Interior Bureau of Reclamation, hington, D.C. or methods that are equivalent as approved by the Executive tor. Specifically, the effluent intermittently backs up causing inaccurate flow measurements.	Manual, United Sta Washington, D.C. or r	on Description	Violati
Base Penalty \$1		<u>L.</u>	
d Human Health Matrix Harm		ental, Property	- Environme
		Release	
		Actual	OR
X Percent 5%		Potential	
ajor Moderate Minor	Major Modera	TIC MATERX Falsification	Programma
Percent 0%	Major Modera	raisincación	Barageri Maria
		<u>L</u>	
environment will or could be exposed to insignificant amounts of pollutants	or the environment will	Human health	
ed levels that are protective of human health or environmental receptors as a	ot exceed levels that are	which would not	Matrix
result of the violation.			Notes
		L	
Adjustment \$9,500			
MINISTER PROPERTY CHARLES A STREET A STREET AS A STREE		African	
	iolation Events 1	A	olation Even
Events 1 17 Number of violation days ally ekly this trip terly sinnual sinual 17 Number of violation days	daily weekly monthly quarterly semiannual annual single event x	Number of Vio	olation Even
Events 1 17 Number of violation days ally ekly this trip terly sinnual sinual 17 Number of violation days	dally weekly monthly quarterly semiannual annual single event x	Number of Vio	olation Even
Events 1 17 Number of violation days Silly ekly highly terly Violation Base Penalty Sinnual event x One single event is recommended. 25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer dinary	dally weekly monthly quarterly semiannual annual single event x One sin Extraordinary Ordinary x	Number of Vio	
Events 1 17 Number of violation days ally ekly inthly terly innual event x One single event is recommended. 25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer dinary ordinary x	dally weekly monthly quarterly semiannual annual single event X One sir Extraordinary Ordinary N/A	Number of Vio	
Events 1 17 Number of violation days illy ekly thilly terly Violation Base Penalty onnual event x One single event is recommended. 25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer dinary x	dally weekly monthly quarterly semiannual annual single event One sir Extraordinary Ordinary N/A Notes The Resi	Number of Vio	od Faith Eff
Events 1 17 Number of violation days Statutory Limit Test 17 Number of violation days	dally weekly monthly quarterly semiannual annual single event X One sin Sty 25. Before N Extraordinary Ordinary N/A Notes The Response this violation	Mumber of Vio	od Faith Eff
Events 1 17 Number of violation days Statutory Limit Test 17 Number of violation days	dally weekly monthly quarterly semiannual annual single event X One sir Lity 25. Before N Extraordinary Ordinary N/A Notes The Resp this violation d EB Amount	Mumber of Vio	od Faith Eff

	Ed	conomic	Benefit	Wo	rksheet		
Respondent	City of Malone	grassia.	88886223861174587458884551.118867 *********	. 11 CH. CHA RSHO A S	200 1 5 000 1 5 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1 000 1		
Case ID No.	42068						
Rea. Ent. Reference No.	RN102075660						
	Water Quality					Percent Interest	Years of
Violation No.	6					r ci cent interest	Depreciation
				4.5		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs		90.41			aay II		1974 S
Equipment				0.00	\$0	\$0	\$0
Buildings			, i	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	r nya	\$0
Record Keeping System				0.00	\$0	r×-s n/a .	\$0
Training/Sampling				0.00	\$0	nva .	<u>\$0</u>
Remediation/Disposal			get en eus (f. b.) Kan kom en en en	0.00	\$0 \$0	0/3	\$0 \$0
Permit Costs Other (as needed)	\$100	26 Apr 2011	13-May-2011	0.00	\$0 \$0	17.6	\$0
Notes for DELAYED costs Estimated cost to make adjustments to the inline pump to control flow levels. Date required is the investigation date. Final date is the date of compliance.							
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	*********		for one-time avoid	
Disposal				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel				0.00	\$0 \$0	\$0	\$0
Inspection/Reporting/Sampling			138. 4	0.00	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2]	2.00			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100			TOTAL		\$0

EFFLUENT VIOLATION TABLE City of Malone TPDES Permit No. WQ0010514001 Docket No. 2011-1189-MWD-E								
Months	Dissolved Oxygen Monthly Min.	Chlorine Monthly Min.	BOD ₅ Daily Avg. Loading	BOD ₅ Daily Avg. Conc.	BOD ₅ Single Grab Conc.	TSS Daily Avg. Loading	TSS Daily Avg.	TSS Single Grab Conc.
	Limit = 2 mg/L	Limit = 1 mg/L	Limit = 8.3 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 8.3 Ibs/day	Limit = 20 mg/L	Limit = 40 mg/L
December 2010	С	С	С	23.8	С	С	45.0	79
January 2011	1.9	С	С	С	С	9.6	81.0	192
February 2011	c	С	15.0	40.5	С	21.1	62.0	84
March 2011	С	С	С	58.2	71	С	56.2	С
*April 26, 2011	С	0.1	С	С	С	С	С	C

BOD₅ = 5-day biochemical oxygen demand

TSS = total suspended solids

Conc. = Concentration

Avg. = Average

lbs/day = pounds per day

mg/L = milligrams per liter

c = compliant

Min. = Minimum

^{*} grab sample collected by investigator

Compliance History

Customer/Respondent/Owner-Operator:

CN600335442

City of Malone

Classification:

Rating: 1.67

AVERAGE

Regulated Entity:

RN102075660

CITY OF MALONE

Classification: AVERAGE

Site Rating: 0.33

ID Number(s):

WASTEWATER

PERMIT

WQ0010514001

WASTEWATER

EPA ID

TX0020303

WASTEWATER LICENSING

LICENSE

WQ0010514001

Location:

approximately 1150 feet east of the intersection of Farm-to-Market Road 308 and State Highway 171, on the

southside of State Highway 171, Hill County, Texas

TCEQ Region:

REGION 09 - WACO

Date Compliance History Prepared:

July 11, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

July 11, 2006 to July 11, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

JR Cao

Phone:

(512) 239-2543

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

es

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

6. Rating Date: 9/1/2010 Repeat Violator:

NO

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

07/13/2006	(520576)
	` ,
2 08/08/2006	(520577)
3 09/15/2006	(520578)
4 01/18/2007	(536034)
4 01/10/2007	(000001)
5 03/22/2007	(576101)
6 05/10/2007	(576102)
7 06/18/2007	(576103)
, 33,10/2007	(0.0100)
8 10/13/2006	(576104)
9 11/08/2006	(576105)

18	10/15/2007	(619804)	42	06/30/2009	(805352)
19	11/26/2007	(619805)	43	07/30/2009	(805353)
20	12/17/2007	(619806)	44	08/20/2009	(805354)
21	02/20/2008	(672296)	45	09/29/2009	(805355)
22	01/23/2008	(672297)	46	10/26/2009	(805356)
23	07/22/2008	(685560)	47	12/14/2009	(805357)
24	03/24/2008	(690213)	48	12/29/2009	(805358)
25	04/22/2008	(690214)	49	02/01/2010	(805359)
26	05/27/2008	(690215)	50	03/25/2010	(831130)
27	06/18/2008	(711025)	51	04/26/2010	(831131)
28	07/28/2008	(711026)	52	06/02/2010	(845069)
29	08/20/2008	(711027)	53	06/24/2010	(846346)
30	09/24/2008	(711028)	54	09/23/2010	(866916)
31	10/23/2008	(727684)	55	08/26/2010	(866917)
32	11/19/2008	(727685)	56	10/04/2010	(881583)
33	12/23/2008	(727686)	57	10/29/2010	(881584)
34	04/24/2009	(743116)	58	12/10/2010	(896328)
35	02/20/2009	(750527)	59	01/27/2011	(902384)
36	01/27/2009	(750528)	60	03/03/2011	(916424)
37	07/16/2009	(759925)	61	03/16/2011	(916425)
38	03/23/2009	(768541)	62	04/04/2011	(924965)
39	04/22/2009	(768542)	63	04/27/2011	(924966)
40	05/27/2009	(768543)	64	06/24/2011	(932990)
41	03/02/2010	(805351)	65	07/01/2011	(935065)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2006 (576106) CN600335442

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (607715) CN600335442

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2007 (607717)CN600335442

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

CN600335442 Date: 08/23/2007 (571034)

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.350(c)

30 TAC Chapter 30, SubChapter J 30.350(d)

Operational Requirements PERMIT

Failure by the permittee to employ a licensed individual to operate the Description:

wastewater treatment plant.

CN600335442 Date: 03/31/2008 (690214)

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

CN600335442 Date: 10/31/2008 (727685)

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

CN600335442 Date: 04/23/2009 (743116)

Self Report? NO Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements; No. 4, Pg. 10 PERMIT

Failure to install and subsequently maintain adequate safeguards to prevent the Description:

> discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or

retention of inadequately treated wastewater.

Date: 07/31/2009 (805354)CN600335442

Classification: Self Report? YES Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date: 12/31/2010 (902384)CN600335442

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

CN600335442 Date: 01/31/2011 (916424)

Classification: Self Report? YES Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

CN600335442 Date: 02/28/2011 (924965)

Classification: Moderate Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2011

(924966)

CN600335442

Classification: Moderate

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. H.

N/A

Participation in a voluntary pollution reduction program.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF MALONE	§	
RN102075660	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1189-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Malone ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment facility located approximately 1,150 feet east of the intersection of Farm-to-Market Road 308 and State Highway 171, on the south side of State Highway 171 in Hill County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. WATER CODE ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about July 2, 2011 and July 5, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Three Thousand One Hundred Forty-Four Dollars (\$23,144) is assessed by the Commission in settlement of the

violations alleged in Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty. Therefore, Twenty-Three Thousand One Hundred Forty-Four Dollars (\$23,144) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that by May 13, 2011, the Respondent has implemented the following corrective measures at the Facility:
 - a. Corrected and updated the operator logs to notate the measurement times;
 - b. Removed, cleaned, and disposed of the sludge and solids in the chlorine contact chamber;
 - c. Installed atmospheric vacuum breakers on potable water connections; and
 - d. Adjusted the electrodes on the inline pump to control flow measurements.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4) and Texas Pollutant Discharge Elimination System Permit

("TPDES") No. WQ0010514001, Permit Conditions No. 2.d. Specifically, sludge was documented in the receiving stream. Samples collected at the mixing point of the effluent and the receiving stream and approximately 200 yards downstream indicated elevated levels of pollutants (including total suspended solids, volatile suspended solids, ammonia nitrogen, total phosphorus, and total kjeldahl nitrogen), as well as decreased levels of dissolved oxygen, as documented during an investigation conducted on April 26, 2011.

2. Failed to comply with permitted effluent limitations, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010514001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as documented during a record review conducted on June 23, 2011, and as shown in the violation table below:

	EFFLUENT VIOLATION TABLE							
Months	Dissolved Oxygen Monthly Min.	Chlorine Monthly Min.	BODs Daily Avg. Loading	BOD₅ Daily Avg. Conc.	BOD _{\$} Single Grab Conc.	TSS Daily Avg. Loading	TSS Daily Avg. Conc.	TSS Single Grab Conc.
	Limit = 2 mg/L	Limit = 1 mg/L	Limit = 8.3 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 8.3 Ibs/day	Limit = 20 mg/L	Limit = 40 mg/L
December 2010	С	С	С	23.8	С	С	45.0	79
January 2011	1.9	С	С	С	С	9.6	81.0	192
February 2011	С	С	15.0	40.5	С	21.1	62.0	84
March 2011	С	С	С	58.2	71	С	56.2	С
*April 26, 2011	С	0.1	С	С	С	С	С	С

BOD₅ = 5-day biochemical oxygen demand

TSS = total suspended solids

Conc. = Concentration

lbs/day = pounds per day

mg/L = milligrams per

liter

c = compliant

Min. = Minimum

- 3. Failed to comply with permitted effluent limitations, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010514001, Effluent Limitations and Monitoring Requirements No. 2. Specifically, a chlorine grab sample taken by the investigator was not within the permitted range, as documented during an investigation conducted on April 26, 2011, and shown in the violation table above.
- 4. Failed to maintain complete records of monitoring activities, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1) and (11)(C)(i) and 319.7(a) and TPDES Permit No.

^{*} grab sample collected by investigator

City of Malone DOCKET NO. 2011-1189-MWD-E Page 4

WQ0010514001, Monitoring and Reporting Requirements No. 3.c. Specifically, measurement times were not recorded on the operator logs, as documented during an investigation conducted on April 26, 2011.

- 5. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010514001, Operational Requirements No. 1. Specifically, there were floating solids and settled sludge located in the chlorine contact chamber, as documented during an investigation conducted on April 26, 2011.
- 6. Failed to provide a backflow prevention device at the Facility, in violation of 30 Tex. Admin. Code § 317.7(i). Specifically, atmospheric vacuum breakers were not installed on the potable water faucets, as documented during an investigation conducted on April 26, 2011.
- 7. Failed to accurately measure the flow as prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C. or methods that are equivalent as approved by the Executive Director, in violation of 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d), and TPDES Permit No. WQ0010514001, Monitoring and Reporting Requirements No. 2.a. Specifically, the effluent intermittently backs up causing inaccurate flow measurements, as documented during an investigation conducted on April 26, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Malone, Docket No. 2011-1189-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of the sludge in the receiving stream;

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d below;
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010514001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations, in accordance with Ordering Provision No. 2.d below; and
- d. The certification required by Ordering Provision Nos. 2.b and 2.c shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	9/4/R Date
agree to the attached Agreed Order on be do agree to the terms and conditions spec	estand the attached Agreed Order. I am authorized to ehalf of the entity indicated below my signature, and I cified therein. I further acknowledge that the TCEQ, in it, is materially relying on such representation.
 and/or failure to timely pay the penalty at A negative impact on compliance if Greater scrutiny of any permit app Referral of this case to the Atton additional penalties, and/or attorn Increased penalties in any future of Automatic referral to the Attorned and TCEQ seeking other relief as authorized 	nistory; blications submitted; rney General's Office for contempt, injunctive relief, ney fees, or to a collection agency; enforcement actions; by General's Office of any future enforcement actions;
Signature	5-11-2012 Date
Name (Printed or typed) Authorized Representative of City of Malone	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.